

Attachment A

Matt A. Barreto, Ph.D.

I have been asked to evaluate and comment on the existing empirical evidence of racial bloc voting in Los Angeles County. For the past twelve years I have closely researched and analyzed voting patterns in Los Angeles County, first as a researcher at the Tomás Rivera Policy Institute, then during my Ph.D. work at the University of California, Irvine, and most recently as a Political Science professor at the University of Washington. My recent book, *Ethnic Cues*, focuses specifically on the issue of racially polarized voting for and against Latino candidates, and I have published numerous scholarly articles in peer-reviewed journals on the topic of voting patterns in Los Angeles.

Though Los Angeles is often celebrated for its diversity, it has also been the source of considerable social and political contestation, which became especially pronounced in the post-World War II years as the population began changing more rapidly. As racial and ethnic groups settled into new neighborhoods and communities, challenges of equitable political representation soon followed. An overwhelming finding in the academic research, as well as in voting rights lawsuits was that from 1960 – 1990, Whites tended to vote against minority candidates, when given the choice to vote for a White candidate, for almost any political office in Los Angeles. African American and Latino candidates in particular had a very difficult time getting elected, outside majority-minority districts, throughout Los Angeles County.

As a result of being shut out of many contests, group cohesiveness grew among minority voters in Los Angeles. Further, churches and community-based groups in the Black, Latino, and Asian communities pushed hard for equal representation, and promoted the candidacies of fellow co-ethnic candidates. The result of the pent up demand for representation was very high rates of racial block voting in favor of co-ethnic candidates by African American, Latino, and Asian American voters throughout Los Angeles. When a co-ethnic candidate is on the ballot in a contested election, each minority group has shown a strong willingness to support their co-ethnic candidate first and foremost.

As the Latino population has grown throughout Southern California, more and more Latino candidates have run for a variety of local, state, and federal office and clear voting patterns have emerged throughout L.A. County, and specifically in the central and southwest portions of the county. With almost no exceptions, when Latino candidates run

for office, they have received strong and unified support from Latino voters in Los Angeles County. Previous analyses of voting patterns in Los Angeles have demonstrated statistically significant differences in candidate choice, between Latinos and non-Latinos. Based on the social science research I have reviewed and am familiar with, the evidence leads me to believe that Latinos vote as a cohesive political group, and non-Latinos regularly bloc vote against Latino candidates.

In 1997 Johnson, Farrell, Guinn published an article in the *International Migration Review* and found extensive evidence of anti-immigrant, and anti-Latino attitudes in Los Angeles that were in part driven by perceptions of growing Latino political influence and the tradeoff with Black and White political influence. Since Proposition 187 passed in 1994, many studies have documented an increase in anti-Latino discrimination in Los Angeles, resulting in an environment in which Latinos became more unified politically. Cervantes, Khokha, and Murray detail a significant increase in discrimination against Latinos in Los Angeles in the wake of Proposition 187. In a 2005 book published by the University of Virginia Press, Barreto and Woods find evidence that Latinos in Los Angeles County begin to behave more cohesively in the late 1990s following three statewide ballot initiatives that targeted minority and immigrant opportunity.

In a book published in 2007 by the University of California Press, under the direction of the Warren Institute, Abosch, Barreto and Woods review voting patterns across 15 elections from 1994-2003 and find evidence of racially polarized voting in all 15 contests with non-Latinos voting against Latino interests while Latinos vote consistently in favor of Latino candidates.

In a 2005 article published in the *Journal of Urban Affairs*, examining the 2001 Los Angeles mayoral election, Barreto, Villarreal and Woods find overwhelming evidence of racially polarized voting in the Villaraigosa-Hahn election. In a 2009 article in *Sociological Methods and Research* Grofman and Barreto, replicate and extend these findings with new, and cutting edge statistical methods specifically for examining racially polarized voting concerning Latinos. Grofman and Barreto conclude that Latinos vote very heavily in favor of Latino candidates in Los Angeles.

In a 2006 article published in the journal *PS: Political Science and Politics*, Barreto, Guerra, Marks, Nuño, and Woods found extremely strong support for Villaraigosa among Latinos once again. In a 2007 article published in the *American Political Science*

Review, Barreto found very strong and statistically significant differences between Latino and African American voting patterns in Los Angeles elections, which was replicated in a 2010 book by Barreto published by the University of Michigan Press. More recent studies by Barreto and Woods, Barreto and Collingwood, and Barreto and Garcia have all demonstrated strong evidence of racially polarized voting for and against Latino candidates in the 2006, 2008, and 2010 primary elections in Los Angeles. The findings have demonstrated that polarized voting exists countywide throughout Los Angeles, as well as in specific regions such as the city of Los Angeles, the eastern San Gabriel Valley area, northern L.A. County and central/southwest region of L.A. County.

Within Los Angeles County, almost no region has experienced more demographic change in the past 20 years than the central and southwest part of the county. From 1990 to 2009 cities like Compton and Inglewood both transitioned from majority-Black to now majority-Latino cities. Similar population changes emerged in the general region from Carson to Wilmington to Lynwood as well as through large segments of central Los Angeles city.

With respect to Black and Latino voting interests, numerous studies have found racial bloc voting, especially during primary contests. In a comprehensive examination of voting patterns in the 2008 Democratic presidential primary election, Ryan Enos finds large differences in Black and Latino voting with Latinos voting overwhelmingly for Clinton and Blacks for Obama. In an on-going lawsuit against the electoral system in the city of Compton, Morgan Kousser analyzes citywide elections for city council and finds very strong evidence of Blacks voting against Latino candidates in every single election, while Latino voters side heavily with the Latino candidates for office.

Most recently, a research article published in May 2011 by the Warren Institute found that during the 2010 Democratic contest for Attorney general, Latinos voted overwhelmingly for Delgadillo and Torrico, while Blacks voted overwhelmingly for Harris.

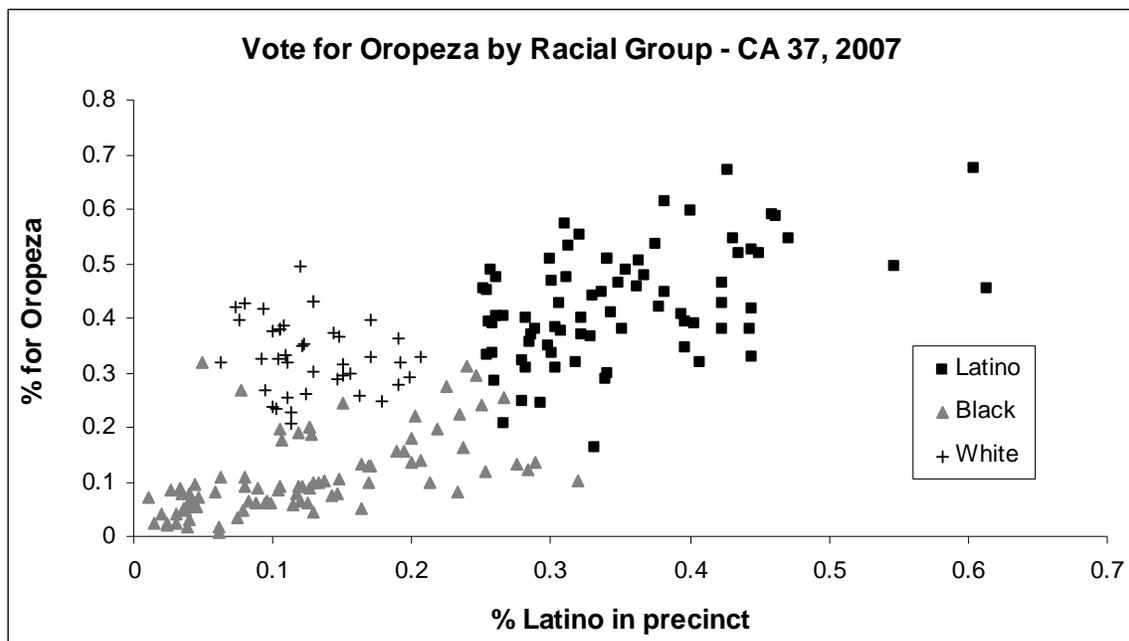
Perhaps one of the clearest examples of primary election differences between Blacks and Latinos took place in a 2007 special election for the 37th congressional district after incumbent Juanita Millender-McDonald passed away. Analysis of the election results shows very clear, and statistically significant evidence of racially polarized voting. Blacks voted almost unanimously for two African American candidates Laura

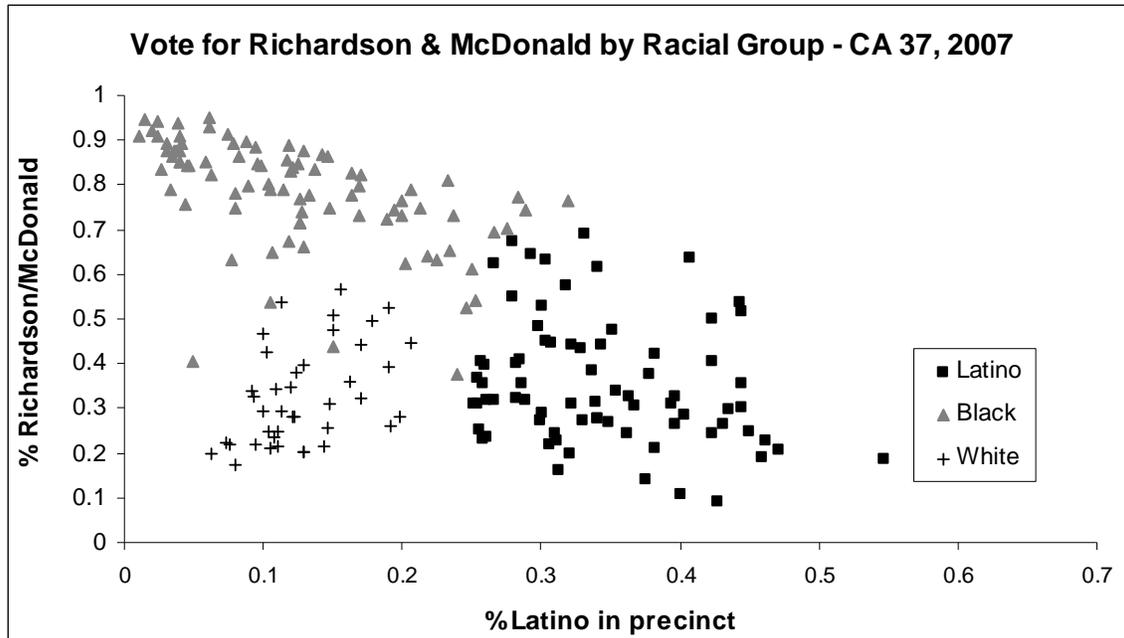
Richardson and Valerie McDonald, and gave almost no votes at all to the Latino candidate Jenny Oropeza. In contrast, Latino voters in the district voted very heavily for Oropeza, and cast very few votes for the two major Black candidates in the contest.

Goodman’s Ecological Regression

Vote estimates from 2007 CA-37 special election – primary

| | |
|----------------------------|-------|
| Latino vote for Oropeza | 82.6% |
| Latino vote for Richardson | 10.8% |
| Latino vote for McDonald | 4.3% |
| Black vote for Richardson | 75.4% |
| Black vote for McDonald | 17.2% |
| Black vote for Oropeza | 5.3% |





One important consideration is that elections analysts must consider primary elections, or non-partisan countywide or citywide contests where partisanship is effectively neutralized. Because of the strong Democratic partisan leanings of Black and Latino, and even most White voters in Los Angeles County, partisan general elections provide almost no clues as to whether or not racially polarized voting exists. The importance and relevance of primary elections is a longstanding and well known fact in studies of racially polarized voting, and even pre-dates the Voting Rights Act itself. In 1944 the Supreme Court ruled in *Smith v. Allright* that it was illegal for the Democratic Party in the South to hold “all-White primaries.” Prior to 1944, Blacks were prohibited from voting in primary elections, but allowed to vote in general elections, because Democratic candidates were assured to win in vast majority of the Democratic-leaning South, in the November general election. Thus, the Supreme Court held that the only contests in which voters could effectively influence the outcome, and vote for or against their preferred candidate was the primary.

In the case of Los Angeles, any districts drawn for the State Assembly, State Senate, or U.S. House of Representatives with large Latino or Black populations are certain to be Democratic in their partisanship. Thus, the election that will ultimately select the ultimate representative is the Democratic primary election, and for this reason primary elections provide the best and most reliable evidence to discern whether or not racially polarized voting exists, and why general elections provide almost no value at all.

Further, we should focus our attention on potentially competitive primary elections. In elections where a very well known incumbent barely draws a primary challenger, it is unrealistic to expect the unknown, unfunded challenger to draw any votes away from an established incumbent.

Finally, we should remember to keep a lookout for outlier elections or single anecdotes. When assessing racially polarized voting the best strategy is to examine a wide swath of elections over a number of years and look for consistent patterns. If 15 years and 40 elections all point to a consistent pattern of racial bloc voting, evidence of one single election to the contrary tells us very little about actual trends. In a nation that holds literally thousands of elections every year, we can always find an instance or two of unusual voting patterns, however when looking for the objective and true voting patterns in any region or jurisdiction we should discount such outliers in favor of the more consistent and generalizable findings.

Attachment B



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Testimony

by

**Arturo Vargas, Executive Director
National Association of Latino Elected and Appointed
Officials (NALEO) Educational Fund**

before the

California Citizens Redistricting Commission

**Sacramento, California
June 28, 2011**

Members of the California Citizens Redistricting Commission:

I am Arturo Vargas, Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund. Thank you for the opportunity to submit this testimony today on behalf of the NALEO Educational Fund to discuss our perspectives on the first draft redistricting maps for California released by the Commission on June 10, 2011.

The NALEO Educational Fund is a non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency includes the more than 6,000 Latino elected and appointed officials nationwide. Our Board members and constituency include Republicans, Democrats and Independents. We are one of the nation's leading organizations in the area of Latino civic engagement, and we are deeply committed to ensuring that California's 2011 redistricting provides the state's Latinos with a fair opportunity to choose their elected leaders.

The NALEO Educational Fund has been actively involved in California redistricting policy development and community outreach activities for over a decade, and Executive Director Arturo Vargas has worked on these issues since the early 1990's. As the Director of Outreach and Policy at the Mexican American Legal Defense and Educational Fund (MALDEF), Mr. Vargas coordinated the organization's 1991 redistricting efforts which led to an historic increase in the number state legislative districts that provided Latinos with a fair opportunity to choose their elected leaders. In 2002-2003, Mr. Vargas served on the Los Angeles City Council's Redistricting Commission, which drew the lines for the 15 council districts.

In 2009 and 2010, with the support of The James Irvine Foundation, the NALEO Educational Fund conducted an outreach and technical assistance initiative to mobilize Latino civic leaders to apply to serve on the Commission. We accompanied this initiative with advocacy efforts that focused on the development of the regulations and procedures governing the Commission application and selection process. We worked with the California State Auditor and the Applicant Review Panel (ARP) to ensure that the diversity of the applicant pool would reflect the diversity of California throughout the selection process. Our outreach and technical assistance

efforts reached 1,848 Latino applicants through phone calls, webinars, workshops and leveraging our network of organizational partners and Latino civic leaders. We also launched a website, www.latinosdrawthelines.org.

Building on the foundation of our work with Latino civic and community leaders during the Commission selection process, we launched an initiative in 2010 to mobilize Latinos to participate in the Commission's redistricting process which has several community education and technical assistance components. Before the release of the first draft maps, we conducted 19 community workshops in different regions of California to educate Latinos about the importance of redistricting for Latino political progress, redistricting criteria and the Commission's redistricting process. We provided technical assistance to community members on how to deliver testimony to the Commission in-person, and how to submit written testimony for those community members who were unable or unwilling to testify at a hearing.

In order to provide technical assistance after the workshops, we instituted weekly webinars, and expanded our website. We also published a weekly newsletter with information about our activities and the Commission hearings.

Additionally, since the first draft maps were released we have traveled the state to help community members gain access to the Commission's maps for their regions, and provided them with assistance on submitting testimony, both in-person and in writing. In total, we conducted 12 workshops since the maps were released, and we have also continued to mobilize community members through webinars, e-mail blasts and individual phone calls.

We commend the Commission for conducting an open redistricting process with an extremely robust public input process, and we acknowledge the hard work that went into the development of the Commission's first draft maps. However, based on our own analysis and our extensive work with Latino community members during California's redistricting process, we have significant and serious concerns about the impact of the maps on the future political progress of California's Latino community. In our testimony, we will first address the impact of the proposed maps on the number of Latino effective districts in the state, and trends in Latino population growth since the last decade. We will then highlight the history of discrimination

against Latinos in the state, and the barriers to Latino political participation which we believe are relevant to the Commission’s obligation to draw additional Latino effective districts. We have also attached an Appendix to this testimony which includes a compilation of specific recommendations from community members we have worked with regarding their communities of interest and how lines shown be drawn in their regions of the state.¹ We should emphasize that a common theme from community members we worked with was that the Commission maps overall should ensure fair Latino representation and strengthen or add Latino effective districts. In addition, in reviewing the Appendix, we urge the Commission to take into account that under the Voters First Act, compliance with the federal Voting Rights Act of 1965 (VRA) is the second highest criterion for the Commission’s maps, and is a higher priority than preserving communities of interest.

I. The Stagnation and Reduction in the Number of Latino Effective Districts

Under the VRA, the Commission’s maps must provide Latinos with a fair opportunity to elect the representatives of their choice. Under the Voters First Act, which created the Commission, compliance with the VRA is the second-highest ranked criterion for its maps. However, based on an analysis of the number of districts with at least 50% Latino citizen voting age population (CVAP),² the Commission’s maps do not appear to create additional Latino effective districts, and may actually reduce the number of these districts or their effectiveness. The tables below compare the number and location of Latino effective districts in California’s current maps and those proposed by the Commission.

(Table 1 appears on the next page)

¹ Most of the information in the Appendix has been provided to the Commission directly from community members through the public input process. We believe that some members of the Latino community felt reluctant to submit testimony directly to the Commission because of their immigration status or other similar issues. Thus, some of the information in the Appendix may not appear independently in other public input testimony.

² Hereinafter, districts with at least 50% Latino CVAP will be referred to as “Latino effective” districts.

**Table 1
Latino Effective Districts – State Assembly**

| Existing | | | |
|------------------------|------------|-------------|----------------------|
| Region | District # | Latino CVAP | Latino Share of CVAP |
| Central Valley | 31 | 115,165 | 53.0% |
| Los Angeles metro area | 39 | 111,447 | 62.4% |
| | 45 | 97,078 | 50.8% |
| | 46 | 99,026 | 67.8% |
| | 50 | 125,265 | 71.4% |
| | 57 | 132,426 | 57.4% |
| | 58 | 145,770 | 63.4% |
| Inland Empire | 61 | 118,306 | 49.8% |
| | 62 | 120,899 | 54.5% |
| Orange County | 69 | 79,376 | 52.0% |

| First Draft Maps | | | |
|------------------------|---------------|-------------|----------------------|
| Region | District Name | Latino CVAP | Latino Share of CVAP |
| Central Valley | FSEC 2 | 108,524 | 50.6% |
| Los Angeles metro area | LADNN | 131,284 | 64.4% |
| | LAPRW | 166,215 | 60.8% |
| | LASGL | 122,367 | 58.0% |
| | LACVN | 140,568 | 57.2% |
| | LAELA | 134,625 | 55.1% |
| | LASFE | 118,218 | 52.0% |
| | Inland Empire | RLTFO | 113,788 |
| POMVL | | 125,095 | 50.6% |
| San Diego County | SSAND | 118,506 | 50.0% |

Source for district CVAP: MALDEF analysis based on the U.S. Department of Justice's Special Tabulation of the U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

Table 1 reveals that the Commission's first draft Assembly map retains the same number of Latino effective districts as currently exist - ten. The Commission's map does create new Latino effective districts in the San Fernando Valley and San Diego areas (LASFE and SSAND). However, it eliminates a Latino effective district in the Los Angeles County area (around downtown Los Angeles), and reduces the Latino CVAP of a currently effective district in the Orange County area (SNANA has 46.5% Latino CVAP).

(Table 2 appears on the next page)

Table 2
Latino Effective Districts – State Senate

| Existing | | | |
|---------------------------------------|------------|-------------|----------------------|
| Region | District # | Latino CVAP | Latino Share of CVAP |
| Central Valley | 16 | 217,796 | 50.9% |
| Los Angeles metro area | 22 | 173,725 | 52.1% |
| | 24 | 247,758 | 56.1% |
| | 30 | 287,666 | 68.6% |
| Inland Empire | 32 | 234,220 | 51.8% |
| Imperial County/Riverside County area | 40 | 246,955 | 49.0% |

| First Draft Maps | | | |
|------------------------|---------------|-------------|----------------------|
| Region | District Name | Latino CVAP | Latino Share of CVAP |
| Central Valley | KINGS | 204,656 | 50.7% |
| Los Angeles metro area | LACVN | 291,828 | 57.1% |
| | LAWSG | 242,816 | 54.3% |
| Inland Empire | POMSB | 238,883 | 51.5% |

Source for district CVAP: MALDEF analysis based on the U.S. Department of Justice's Special Tabulation of the U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

Table 2 reveals that the Commission's map reduces the number of Latino effective districts at the Senate level from six to four. The Commission eliminated one Latino effective district in the core Los Angeles County area (downtown Los Angeles area and area east of downtown). It also eliminated a Latino effective district in the Imperial/Riverside County area. Much of the area in this district has been split into two districts in the Commission's maps: ISAND (26.8% LCVAP) and CCHTM (25.6% Latino CVAP).

Table 3
Latino Effective Districts – Congress

| Existing | | | |
|------------------------|------------|-------------|----------------------|
| Region | District # | Latino CVAP | Latino Share of CVAP |
| Central Valley | 20 | 163,386 | 50.5% |
| Los Angeles metro area | 31 | 129,370 | 49.9% |
| | 32 | 181,126 | 53.6% |
| | 34 | 169,928 | 64.8% |
| | 38 | 216,568 | 65.3% |
| | 39 | 174,651 | 51.9% |
| Inland Empire | 43 | 180,251 | 51.7% |

| First Draft Maps | | | |
|---------------------------|---------------|-------------|----------------------|
| Region | District Name | Latino CVAP | Latino Share of CVAP |
| Central Valley | KINGS | 153,960 | 49.3% |
| Los Angeles metro area | DWWTR | 229,521 | 59.3% |
| | ELABH | 198,359 | 57.6% |
| | IGWSG | 148,011 | 53.3% |
| | COVNA | 197,055 | 50.8% |
| | SFVET | 155,000 | 49.6% |
| San Diego/Imperial County | IMSAN | 172,353 | 50.6% |

Source for district CVAP: MALDEF analysis based on the U.S. Department of Justice's Special Tabulation of the U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

Table 3 reveals that Commission's first draft Congressional map appears to retain the same number of Congressional districts as currently exists – seven. However, one of the arguably effective districts – IGWSG – has a Latino CVAP of 53.3% and an African American CVAP of 39.9%. This district configuration unnecessarily wages Latinos and African Americans against each other, two underrepresented groups that have worked for decades to earn fair political representation for their respective communities.

The Commission added Latino effective districts in the Northeast San Fernando Valley and San Diego/Imperial County areas. However, the demographics of the state justified the creation of these districts ten years ago, and the state legislature failed to create these districts because of incumbency protection efforts – the kind of efforts that spurred public support for the ballot measures that created the Commission and determined its redistricting responsibilities.

Moreover, the Commission eliminated a Latino effective district in the core Los Angeles County area, and essentially reduced the effectiveness of an existing Inland Empire district by dropping its Latino citizen voting-age population below 50% - SBRIA, which covers a fair amount of the area in existing CD 43 has a Latino CVAP of 44.5%. We believe the Commission should have created the additional effective districts in the Northeast San Fernando Valley and the San Diego/Imperial County area, and maintained the same number of or increased Latino effective districts in the Los Angeles and Inland Empire areas.

In addition, there is an existing Congressional District in the Orange County area, CD 47, that is very close to becoming a Latino effective district (44.1% Latino CVAP). The Commission split the communities in this district into two districts, both which are far less effective (WESTG, 31.8% LCVAP and STHOC, 16.6% LCVAP). The Commission should create a district that is far more effective for Latinos in this area.

As noted above, the stagnation or reduction of Latino effective districts in Southern California is of particular concern, because of the dramatic growth of the Latino population in Southern California counties and cities over the last decade. Table 4 compares Latino and non-Latino growth in five major counties where we believe the Commission needs to prevent the stagnation or reduction of Latino effective districts, and for cities or regions that we believe need to be in Latino effective districts, in part because of their relatively high concentration of Latinos. (Section IIC below will provide demographic data that show that Latinos in these areas also

share common challenges in attaining fair access to equal opportunities in education, employment and health.)

**Table 4
Latino and Non-Latino Population Trends: 2000 and 2010**

| | Latino Population Growth 2000-2010 | Non-Latino Population Growth 2000-2010 | | Latino Share of Population 2010 | | Latino Share of Population Growth 2000-2010 |
|---------------------------|------------------------------------|--|--|---------------------------------|--|---|
| California | 27.8% | 1.5% | | 37.6% | | 90.1% |
| Counties: | | | | | | |
| Los Angeles | 10.5% | -2.8% | | 47.7% | | 148.9%* |
| Orange | 15.7% | 1.3% | | 33.7% | | 83.8% |
| San Bernardino | 49.6% | -0.6% | | 49.2% | | 101.8%* |
| Riverside | 77.9% | 21.2% | | 45.5% | | 67.6% |
| Imperial | 36.4% | -13.4% | | 80.4% | | 116.4%* |
| Cities or Regions: | | | | | | |
| Los Angeles | 7.0% | -1.1% | | 48.5% | | 122.4%* |
| Anaheim | 15.7% | -9.1% | | 52.8% | | 292.0%* |
| Santa Ana | -1.2% | -12.7% | | 78.2% | | *** |
| Coachella Valley** | 50.3% | 21.0% | | 62.5% | | 76.3% |

Source: 2000 and 2010 Census decennial data.

* All of these jurisdictions owe their growth over the last decade to the Latino population. Without Latino population growth, these jurisdictions would have experienced a net loss in population. Thus, the figure for Latino share of population growth demonstrates by how much Latino population growth exceeded the overall growth of the jurisdiction's population.

**Because the Census does not provide data on the Coachella Valley as a specific region, all data in this testimony regarding the Coachella Valley is derived by combining data for the most prominent cities and Census designated places (CDP) in the region: Cathedral City, Coachella City, Desert Hot Springs, Indio, Mecca CDP and Palm Springs. We combine these areas for the purpose of demonstrating certain demographic characteristics of the Coachella Valley as a whole, and to support our contention that Latinos in the area share social and economic characteristics with those of Imperial County. However, we do not necessarily suggest that every city we have used to derive data for the region as a whole should be specifically combined with Imperial County for the Commission's maps. We use the data to urge the Commission to carefully examine where combining areas of Coachella Valley with districts that include Imperial County will ensure adherence to the Commission's mapping criteria, and we urge the Commission to pay close attention to Latino community testimony on this issue.

***Santa Ana is the only area on the table which saw a decline in both the Latino and non-Latino population during last decade. However, the decline in the Latino population was much smaller than that of the non-Latino population.

Table 4 indicates that in all of the areas shown (except for the city of Santa Ana), Latino population growth last decade outstripped non-Latino growth, and was largely responsible for the overall growth of the jurisdiction. In Los Angeles County, San Bernardino County, Imperial County, the City of Los Angeles and the City of Anaheim, there was a decrease in the non-Latino population, and without Latino population growth, the overall population would have declined. In Santa Ana, there was a decline in both the Latino and the non-Latino population, but the Latino decline was much smaller than the non-Latino decline.

The stagnation or reduction of Latino effective districts in the Commission map in areas where Latino population growth has increased dramatically, or at least remained relatively robust compared to non-Latino population growth, raises questions about the Commission's approach to creating Latino effective districts in its maps. On June 23, we joined a multi-ethnic collaboration of voting rights and civic organizations in a letter which raised concerns about the Commission's application of the Section 2 and Section 5 of the VRA. We highlight the major concerns and recommendations set forth in that letter. In summary, we believe:

- The Commission is taking an unnecessarily narrow view of Section 2 requirements regarding the geographical compactness of minority communities. As noted in the letter, one example appears to be the Commission's reluctance to combine non-contiguous communities such as Santa Ana and Anaheim in the same district, even though this would not violate the VRA's compactness requirement.
- The Commission appears to be elevating preserving communities of interest or respecting city or county boundaries over the requirement of compliance with the VRA. As noted in the letter, one example is the Commission's reluctance to cross county lines, and combine the communities of Coachella Valley (which are in Riverside County) and areas in the Imperial County to create Latino effective districts.
- In general, the Commission needs to more consciously and carefully examine what districts need to be drawn under Section 2 of the VRA, and use the identification of the full range of Latino effective districts as a starting point. While the Commission may not ultimately determine that the Section 2 compels the drawing of all such districts, it should at least identify them to assure itself that it has conducted a thorough and complete analysis of its VRA obligations.

In this connection, we also urge the Commission to carefully examine whether it has "packed" Latinos in its current maps by creating Latino effective districts with unnecessarily high Latino CVAP percentages, in contravention of the VRA. This is particularly the case in the Los Angeles metropolitan area, where there are districts at all levels with relatively high Latino CVAP percentages. The Commission should examine whether unpacking these districts may provide opportunities to create additional Latino effective districts in the area.

II. Barriers to Latino Participation and Representation in California

In addition to the concerns raised by the failure of the Commission's maps to reflect the growth of the Latino community in California, we are also concerned about the stagnation or reduction of Latino effective districts in the Commission's first draft maps because there are still significant barriers to Latino participation in California that prevent Latinos from having the effective ability to elect the candidates of choice. As a starting point for this discussion, we present a seminal analysis of the history of discrimination against Latinos in California, an expert witness report authored by Stanford University Professor of American History Alberto Camarillo submitted in connection with *Cano v. Davis*.³ This litigation involved a challenge alleging Latino vote dilution in the state legislature's drawing of certain districts during California's 2001 redistricting. Professor Camarillo's report, which is attached, provides a detailed description of historical patterns of bias, prejudice and discrimination directed against Latinos by Non-Hispanic Whites in California in general, and Los Angeles in particular. In summary, Professor Camarillo documents California's long history of denying Latinos fair representation in government. They encountered gerrymandering and vote dilution as early as the 1860's and 70's. In Santa Barbara, for instance, as soon as Anglos gained control of the city, they created a ward-based election system and concentrated Latinos in a single district, effectively limiting them to one of the five City Council seats. Similarly, in Los Angeles, where Mexican Americans were 20% of the population in 1880, Anglos initiated a ward system, split the vote of Latinos among several wards, and nullified their electoral impact. By the late 19th century, it was hard to find a Latino public official anywhere in the state.

For much of the 20th century, gerrymandering, vote dilution, and voter intimidation were primary factors in keeping Latinos underrepresented. As late as 1962, no Latino representatives sat in the State Senate or Assembly, and only two served between 1962 and 1967. The California Advisory Committee to the U.S. Commission on Civil Rights determined in 1966-67 that East Los Angeles, the largest Latino area in the nation, had been sliced into six Assembly districts, none with a Latino population of over 25%.

³*Cano v. Davis*, 211 F. Supp. 2d 1208 (2002). Although the plaintiffs did not prevail in their challenge, the appellate court decided the case on grounds unrelated to the history of discrimination detailed in Professor Camarillo's report, and his report was not discussed in the opinion.

In the 1940s, though 300,000 Spanish-speaking voters lived in Los Angeles County, it had no elected or appointed Latino officials. Edward R. Roybal became the first Latino elected to the Los Angeles City Council in the 20th century, but after he joined Congress in the early 1960s, no other Latino sat on the Council until the mid-1980s. The Los Angeles County Board of Supervisors had no Latinos until after 1990, when the federal courts ruled that it had violated the Voting Rights Act by fragmenting the Latino vote. Latinos could face hostility in the voting process itself, and during the 1950s and 1960s they made hundreds of claims of intimidation at the polls, such as harassment based on English language literacy. In 1988, unofficial guards patrolled Orange County polling places with signs warning non-citizens not to vote.

The report from Professor Camarillo generally covers history and data through 2001. Our testimony below will provide data and information about barriers to participation that Latinos have continued to face since the beginning of last decade.

A. Failure by jurisdictions to provide language assistance to Latino voters

In the last decade, the U.S. Department of Justice (DOJ) initiated actions against several Southern California jurisdictions to enforce compliance with Section 203 of the VRA, which requires the provision of language assistance to Latino voters and other language minority citizens. In the following actions, the DOJ filed complaints against California jurisdictions, alleging several types of discrimination, including failure to provide an adequate number of bilingual pollworkers, failure to provide translated polling site materials, and failure to disseminate translated pre-election materials (such as notices and announcements) in Spanish-language media outlets. These actions were settled by the jurisdictions through consent decrees or memoranda of agreement:⁴

- Riverside County, 2010
- City of Azusa, 2005
- City of Paramount, 2005.
- City of Rosemead, 2005
- San Diego County, 2004
- Ventura County, 2004

⁴ <http://www.justice.gov/crt/about/vot/litigation/caselist.php#sec203cases>.

The foregoing DOJ actions indicate that there are still jurisdictions in California where Latinos do not have full access to the electoral process because of discriminatory failure to provide language assistance required under Section 203 of the VRA.

B. Discrimination Against Latinos in the Electoral Process

A 2006 survey conducted by the NALEO Educational Fund of Latino elected officials and civic leaders also indicates the existence of on-going discrimination in the electoral process.⁵ The survey was conducted to provide documentation for the Congressional record for the renewal of provisions of the VRA. The survey's respondents included 55 Californians, and respondents were asked about discrimination they either personally experienced or observed.

Over two-thirds (67%) of the respondents had personally experienced or observed discrimination in activities related to running for or holding public office. The most prevalent types of discrimination identified by these respondents were related to campaigning (73%); racial or ethnic appeals made during the election process (57%); and redistricting or district boundaries (51%). Respondents described incidents where their ethnicity prevented them from getting key endorsements, or where campaign opponents or local media made their ethnicity an issue in their contest.

Over half of the survey respondents (58%) had also personally experienced or observed discrimination in public election activities. The most prevalent types of discrimination identified by these respondents included problems with: voter assistance (59%); polling locations (56%); provisional ballots (56%); and unwarranted challenges to voters based on citizenship status or ID requirements (53%). Several respondents specifically mentioned the lack of bilingual pollworkers and other adequate language assistance at polling sites. The experience of one California respondent served as the basis for the title of the report – when she went to cast her ballot, she was asked if she was a citizen, and asked to show identification to prove it. Our survey findings show that California Latinos are still experiencing discrimination as candidates and voters in the state.

⁵ Dr. James Thomas Tucker, *I Was Asked If I Was A Citizen: Latino Elected Officials Speak Out on the Voting Rights Act*, NALEO Educational Fund, Los Angeles, California, 2006. The data provided in this testimony is derived from a specific analysis of the responses from California Latino elected officials and civic leaders.

C. Discrimination Against Latinos in Education, Employment and Health

An analysis of recent data from the Census Bureau’s American Community Survey (ACS) and other sources reveals that Latino education and employment levels are significantly lower than non-Hispanic Whites, and that Latinos do not have equal access to health insurance coverage. We provide the data below for two purposes. First, we believe it will provide a demographic portrait of Latinos in Southern California which demonstrates the pervasive social and economic challenges that still face the Latino community. In addition, we believe it demonstrates the social and economic interests that Latinos share in certain cities and counties, and supports our contention that Latinos in these areas face barriers to participation that should compel the Commission to give serious consideration to placing them in Latino effective districts to provide them a fair opportunity to choose their elected representatives.

Educational Attainment

Statewide, there are significant differences between the educational achievement of California’s non-Hispanic White and Latino populations, and Latinos still face challenges obtaining access to equal educational opportunities. According to a U.S Department of Education study of results from the National Assessment of Educational Progress, there are still large gaps between the 2009 math and reading scores of 4th grade and 8th grade public school students in California.⁶ Table 5 presents the score gaps between Latino and non-Hispanic White students in each category.

Table 5
Score Gaps between California White and Latino Students
2009 National Assessment of Educational Progress

| | Math | | Reading | |
|-----------|-----------------------|-----------------------|-----------------------|-----------------------|
| | 4 th grade | 8 th grade | 4 th grade | 8 th grade |
| Score Gap | 28* | 33* | 31* | 28 |

*Score gap was significantly higher than the national average.

⁶F. Cadelle Hemphill, Alan Vanneman, and Taslima Rahman, *Achievement Gaps: How Hispanic and White Students in Public Schools Perform in Mathematics and Reading on the National Assessment of Educational Progress*, National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, Washington, DC, 2011.

In addition, a comparison of 2009 ACS data on the education level of Latino and non-Hispanic White adults in California also reveals disparities in access to education. Table 6 reveals that both statewide, and in several Southern California counties and cities, at least four in ten Latinos have not completed high school. In contrast, the share of non-Hispanic Whites at this educational level generally ranges from 4%-9%, with the exception of Imperial County. Non-Hispanic Whites in this county have the lowest educational level of all of the counties shown – 19% have not completed high school. However, the education level of Imperial County’s Latinos is still significantly lower than that of non-Hispanic Whites – 45% have not completed high school.

**Table 6
Share of Adult Population Which Has Not Completed High School**

| | California | | County | | | | |
|--------------------|------------|--|-------------|--------|----------------|-----------|----------|
| | | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 43.3% | | 46.0% | 44.5% | 40.5% | 42.4% | 44.7% |
| Non-Hispanic White | 6.6% | | 6.8% | 4.2% | 9.3% | 8.0% | 19.0% |

| | City or region | | | | | |
|--------------------|----------------|--|-----------|---------|--|------------------|
| | Los Angeles | | Santa Ana | Anaheim | | Coachella Valley |
| Latino | 51.4% | | 60.0% | 46.3% | | 48.3% |
| Non-Hispanic White | 6.0% | | 8.3% | 9.8% | | 7.7% |

Source: U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009)

Table 6 reveals the same education disparities between Latinos and non-Hispanic Whites at the city and regional level. The Latinos of Santa Ana and Anaheim share the same challenges with high school completion rates, compared to their Non-Hispanic White counterparts. Coachella Valley’s Latinos share similar challenges with those of Imperial County.

Another significant barrier to Latino participation in the electoral process is the high prevalence of limited English-language proficiency in the Latino community. Using ACS data, Table 7 compares the share of non-Hispanic Whites and Latino who are not yet fully proficient in English.

(Table 7 appears on the next page)

Table 7
Share of Population Not Fully Proficient in English

| | California | County | | | | |
|--------------------|------------|-------------|--------|----------------|-----------|----------|
| | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 37.6% | 40.8% | 42.2% | 31.9% | 32.1% | 40.0% |
| Non-Hispanic White | 3.4% | 7.8% | 2.6% | 2.0% | 1.8% | 1.6% |

| | City or region | | | |
|--------------------|----------------|-----------|---------|------------------|
| | Los Angeles | Santa Ana | Anaheim | Coachella Valley |
| Latino | 48.4% | 57.8% | 45.4% | 39.1% |
| Non-Hispanic White | 9.1% | 2.4% | 3.9% | 2.0% |

Source: U.S. Census Bureau's American Community Survey 1-Year Estimate Data (2009) for California and counties. For all other jurisdictions, U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009)

These tables reveal that Latinos in California and five of the major Southern California counties are far more likely to lack full English proficiency than non-Hispanic Whites. Even in the county and city of Los Angeles, where 8-9% of the non-Hispanic White population lacks full English proficiency, Latinos still have far higher rates of limited English proficiency (41% and 48%, respectively).

Additionally, the Latinos of Anaheim and Santa Ana share the same relatively high level of limited English proficiency, compared to the non-Hispanic White population in those cities, which suggests that Latinos in both communities share a common barrier to electoral participation. The Latinos of Coachella Valley and Imperial County also have significantly higher levels of limited English proficiency than their non-Hispanic White counterparts.

Low levels of education and English-language proficiency are particularly salient barriers to Latino participation in California's electoral process because of the complexity of the state's ballots and voter information materials. In November 2010, Californians confronted nine statewide ballot propositions, addressing topics such as budget reform, redistricting, and business taxes. The state Voter Information Guide was 128 pages, with complicated language that would present difficulties for voters who speak English as their first language. For language minority voters, the language barrier doubles or triples this difficulty.

The challenges facing Latino adults with limited English proficiency are exacerbated by the backlog in California adult English Language Learner (ELL) instruction courses. A 2006 survey conducted by the NALEO Educational Fund revealed that some ELL programs in Los Angeles and Anaheim face a high demand for their services, and have long waiting lists for students.⁷

Employment and Economic Status

There are also significant economic disparities between California’s Latinos and non-Hispanic Whites. First, 2009 ACS data reveals that Latinos tend to have somewhat higher unemployment rates than non-Hispanic Whites.

Table 8
Share of Civilian Labor Force Population Which is Unemployed*

| | California | County | | | | |
|--------------------|------------|-------------|--------|----------------|-----------|----------|
| | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 9.2% | 8.2% | 7.5% | 10.3% | 10.7% | 14.0% |
| Non-Hispanic White | 6.4% | 6.4% | 5.4% | 8.0% | 7.4% | 5.5% |

| | City or Region | | | |
|--------------------|----------------|-----------|---------|------------------|
| | Los Angeles | Santa Ana | Anaheim | Coachella Valley |
| Latino | 8.3% | 7.7% | 9.3% | 10.4% |
| Non-Hispanic White | 6.8% | 5.9% | 6.8% | 6.6% |

Source: U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

*The ACS unemployment rate is derived by taking the percentage of the civilian labor force which is unemployed. The unemployment figures released by the Bureau of Labor Statistics (BLS) are based on a monthly survey of households that uses a different methodology than the ACS, which may account for differences between the ACS and BLS unemployment rates.

While in most California jurisdictions, there is a relatively modest gap between Latino and non-Hispanic White unemployment rates (Imperial and the Coachella Valley have the largest gaps), there are far greater disparities in the economic status of the two groups. While most Latinos have access to employment opportunities, they tend to work in jobs that have lower wages than non-Latinos, which contributes to the economic challenges faced by many Latino families. Table 9 sets forth comparative ACS data on the share of California Latino and non-Hispanic Whites living below the poverty level.

⁷ Dr. James Thomas Tucker, *The ESL Logjam: Waiting Times for Adult ESL Classes and the Impact on English Learners*, NALEO Educational Fund, Los Angeles, California, 2006, p. 17 and pp. 34-35.

Table 9
Share of Population Living Below Poverty Level

| | California | | County | | | | |
|--------------------|------------|--|-------------|--------|----------------|-----------|----------|
| | | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 20.6% | | 21.1% | 17.3% | 20.4% | 18.5% | 25.5% |
| Non-Hispanic White | 8.7% | | 9.3% | 5.8% | 12.0% | 8.5% | 9.2% |

| | City or region | | | | | |
|--------------------|----------------|--|-----------|---------|--|------------------|
| | Los Angeles | | Santa Ana | Anaheim | | Coachella Valley |
| Latino | 25.3% | | 19.0% | 17.7% | | 21.9% |
| Non-Hispanic White | 9.6% | | 8.3% | 5.9% | | 9.9% |

Source: U.S. Census Bureau's American Community Survey 1-Year Estimate Data (2009) for all regions except Coachella Valley. For Coachella Valley, U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009).

Table 9 reveals that in California and in four of its major Southern California counties, the share of Latinos living below the poverty level is at least twice as high as the share of non-Hispanic Whites, and the same is true in the cities of Los Angeles, Santa Ana and Anaheim. The gap between Latinos and non-Latinos White is somewhat smaller in San Bernardino County, but the share of Latinos in poverty status still exceeds that of non-Latino Whites by 8 percentage points.

Health Insurance Coverage

The health insurance coverage rates of a population are an important indicator of access to health care. Table 10 reveals that throughout Southern California, a significantly higher share of Latinos are uninsured than non-Hispanic Whites.

Table 10
Share of Population Without Health Insurance Coverage

| | California | | County | | | | |
|--------------------|------------|--|-------------|--------|----------------|-----------|----------|
| | | | Los Angeles | Orange | San Bernardino | Riverside | Imperial |
| Latino | 28.9% | | 31.9% | 32.2% | 27.2% | 29.1% | 24.7% |
| Non-Hispanic White | 10.1% | | 11.0% | 8.2% | 13.2% | 12.3% | 12.9% |

| | City or region | | | | | |
|--------------------|----------------|--|-----------|---------|--|------------------|
| | Los Angeles | | Santa Ana | Anaheim | | Coachella Valley |
| Latino | 37.8% | | 41.8% | 31.9% | | NA |
| Non-Hispanic White | 12.0% | | 15.2% | 11.4% | | NA |

Source: U.S. Census Bureau's American Community Survey 1-Year Estimate Data (2009)

IV. Conclusion

California's Citizens Redistricting Commission has an unprecedented opportunity to ensure that all Californians have an opportunity for fair representation in the state's electoral process. The maps that the Commission draws will shape the political landscape for the next ten years, and will help determine whether Latinos and other underrepresented groups can continue to make political progress in the state. We urge the Commission to revise its first draft maps to ensure that the maps comply with the VRA and reflect the growth of the state's Latino population. To accomplish this goal, the Commission must thoughtfully examine the number of Latino effective districts that can be created, and pay careful attention to Latino community members' perspectives about how the proposed lines affect their communities and neighborhoods. We believe the Commission shares our vision for a redistricting process that will help ensure the future strength of California's democracy, and we look forward to continuing to work with the Commission to achieve this opportunity goal.

Thank you for your consideration of our views.

Attachment C

Expert Witness Report of Albert M. Camarillo

Cano v. Davis

April 12, 2002

1) I am a faculty member in the Department of History at Stanford University. I have held this position since receiving my Ph.D. degree in United States history from the University of California, Los Angeles in 1975. I am currently Professor of History and Director of the Center for Comparative Studies in Race and Ethnicity at Stanford University. My research and teaching focuses on the history of Mexican Americans in California and other southwestern states. My most recent essay, part of a two volume study focusing on race in America published by the National Academy Press, deals with the contemporary status of Mexican Americans and other Hispanics in the U.S. I have authored, co-authored, and co-edited six books, over two dozen articles and essays, and three research bibliographies dealing with the experiences of Hispanics in American society. My books entitled *Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California* and *Chicanos in California: A History of Mexican Americans* include much information relevant to this case. The latter is the only available scholarly overview of the history of Mexican Americans in California. Among other topics, this book documents the history of discrimination against Mexican Americans. A volume for which I was recently commissioned by Oxford University Press, the *Oxford Encyclopedia of Mexican American Culture*, includes a comprehensive compilation of information on Mexican American history and culture, a substantial part of which will address aspects of racial discrimination. I attach a copy of my curriculum vitae.

2) As an expert witness on several voting rights cases over the past ten years, I have familiarity with the provisions of the Voting Rights Act. I served as an expert witness for the U.S. Department of Justice on *Garza v. County of Los Angeles*; for the California Rural Legal

Assistance on *Aldoroso v. El Centro School District*; and the Mexican American Legal Defense and Education Fund on *Ruiz v. City of Santa Maria*. I have testified on the subject of historical discrimination against Mexican Americans. I reviewed materials involving this case that I requested from the Mexican American Legal Defense and Education Fund (MALDEF). I also reviewed a variety of documents submitted to me by MALDEF, including its Complaint for Injunctive and Declaration Relief, "Statement of Section 2 Compliance" report, newspaper articles, memorandum of complaints, and education-related data from California public schools. This report relies on many sources that document historical patterns of bias, prejudice, and discrimination directed by Anglos against Mexican Americans in California in general and in the Los Angeles area in particular.

3) As an historian and social scientist, I have consulted the principle library and archival collections throughout the state that contain materials related to the experiences of Mexican Americans over time. Much of my past and current work focuses on Mexican-origin people in southern California, especially in Los Angeles. The research for my books and articles, as well as for this report, is based on a variety of sources: government reports, published books and essays, archival collections, U.S. Census Bureau population reports and other quantitative sources, and newspapers. As an expert in Mexican American history, I have appeared in several historical documentary films on California history. I have lectured widely at many colleges and universities and public schools throughout California and across the nation. I have consulted on many public history projects and programs funded by the California Council for the Humanities (the state affiliate of the National Endowment for the Humanities).

4) The history of Hispanic people in California runs deep. Indeed, statehood for California in 1850 was achieved only two years after the United States annexed California and much of northern Mexico as part of the treaty that ended the war between the two nations. Though guaranteed full rights as American citizens, the former Mexican residents who opted to stay in their native California after 1848 soon came to understand how non-white people would be treated in the new American society after the Gold Rush forever changed the demographic profile of the state and reduced Mexican Americans to minority status. Mexican Americans in southern California, the region of the state where they have been concentrated over time, quickly fell victim to discriminatory policies and practices that defined them as a second class, racial minority group. In every sphere of life—from work to politics to neighborhoods—Mexican Americans were pushed to the margins of society in the half century after California was admitted to the Union.

5) Numerous historians, including myself, have thoroughly documented the processes of land loss, political exclusion, residential segregation, economic inequality, and social ostracism that befell two generations of Mexican Americans after 1848 (Griswold del Castillo, 1979; Camarillo, 1979; Almaguer, 1994; Monroy, 1990; Haas, 1995; Pitt, 1966; Menchaca, 1995). Despite U.S. guarantees of the rights of Mexican American property owners, Spanish-speaking landowners were forced to prove title to their lands granted during the period Mexico controlled California (1821-1848). Faced with a new legal system where only English was spoken and where American lawyers took advantage of their unfamiliarity with U.S. laws and practices, Mexican American property owners struggled to hold on to their lands. Although most Mexican American landowners eventually proved their right to the lands previously granted them, legal

fees and extra-legal practices, usurious taxes, harassment by American squatters, and periodic floods and drought destroyed the land tenure of the great majority of Mexican Americans. The loss of their lands precipitated a catastrophic decline into poverty for Mexican Americans and resulted in their being largely excluded from political participation by the 1870s.

6) Involvement in the new American political system was key for the Mexican Americans in Los Angeles County, Santa Barbara County and San Diego County, the areas of population concentration for the group in the second half of the nineteenth century. Unlike Spanish-speaking communities in northern California, which were quickly eclipsed as a result of the changes brought by the Gold Rush after 1849, Mexican Americans in southern California continued to hold on precariously to their way of life until the 1870s. During the 1850s and 1860s, Mexican Americans shared political office holding with an increasing number of Anglos who moved to the growing towns of the region. However, as soon as Anglo Americans reached majority status in southern California towns by the 1860s and 1870s, they systematically moved to exclude Spanish-speaking citizens from meaningful participation in local affairs. Fewer and fewer Spanish-surnamed candidates appeared in elections as Anglos secured the reigns of political power. With few exceptions, polarized racial voting patterns emerged as soon as Anglos achieved numerical superiority and as they moved to dilute Mexican Americans' political power. In the City of Santa Barbara, for example, Anglo politicians in the 1870s changed the system of at-large voting to a single-member ward system thereby concentrating Mexican American voters into a specified district that ensured that they would elect only one representative who would be totally powerless against four candidates elected from the Anglo slate. To make matters worse, Mexican Americans were denied participation in the Democratic Party Central Committee in the

county and later banned from the party's state convention, prompting a delegate to report that they were "deliberately kicked out of the party" in 1882 and "treated with utter contempt" (Camarillo, 1979:76). A similar pattern of exclusion manifested itself in the City of Los Angeles by the 1870s. For example, despite the fact that Mexican Americans constituted about twenty percent of the voters in the city, and that a few continued to be appointed to local political positions, Anglos instituted a wardship-based electoral system by 1880 that fragmented Mexican Americans voters into several wards thereby nullifying any impact they might have on city-wide elections. A historian who researched these developments concluded that "For practical purposes the mass of laborers in the *barrio* remained politically inarticulate and unrepresented..." (Griswold del Castillo 1979:160). By the last decade of the nineteenth century it was rare to find a Spanish-surname elected official anywhere in southern California towns and cities. Further reinforcing Spanish-speaking citizens' political powerlessness, the State Legislature approved an English language literacy amendment to the constitution in 1894. Any voter who could not read part of the State's Constitution in English could be denied the right to vote by the registrar. Though it is doubtful this provision of state law was used to deny the right to vote for other citizens who spoke a language other than English, it certainly sealed the fate of the Mexican American electorate in California (Bollinger, 1977). (Not until 1970 was this discriminatory provision ruled unconstitutional by the California State Supreme Court in *Castro v. State of California*.) By the turn of the century, Mexican Americans were a disenfranchised minority population whose right of suffrage and other civil rights as American citizens, guaranteed by the Treaty of Guadalupe Hidalgo, had been violated and abridged.

7) The exclusion of Mexican Americans from political participation in Los Angeles and in other areas of southern California largely reflected their social status as a segregated racial minority. Spanish-speaking citizens throughout the region were residentially isolated from their Anglo counterparts and suffered the consequences of decades of discriminatory practices and laws. For example, state laws enacted during the 1850s restricted some of their cultural practices, such as bear-bull fights, and the so-called "Greaser Law," an anti-vagrancy statute, banned assemblies of Mexican Americans on Sundays. Lynchings of Mexican Americans, "race wars" in Los Angeles, and other incidents in the decades following statehood gave Mexican Americans a clear message that they now lived under a different political and legal regime that required them to retreat to the confines of their emerging *barrios* where they could minimize contact with the Anglo majority (Camarillo, 1984; Griswold del Castillo, 1979). Mexican Americans in other towns and cities throughout southern California also experienced discrimination in various forms. For example, in the original *pueblo* of San Diego (now known as Old Town), the Spanish-speaking people became physically segregated by the early 1870s when white businessmen and boosters, hoping to create a "new" San Diego away from the old Mexican town, established San Diego by the bay. Left with few resources and commercial activity, Old Town San Diego withered away over time as residents relocated and as historic adobe structures fell into decay. Not until decades later, when city fathers and businessmen from nearby San Diego deemed the old ruins of the *pueblo* a potentially valuable tourist site, were many of the buildings of Old Town restored.

8) Early in the twentieth century, immigration on a mass scale greatly expanded the size and distribution of the Mexican-origin population in the United States. By the 1920s, Los

Angeles was home to the largest population of Mexican Americans and Mexican immigrants in the nation. The legacy of anti-Mexican attitudes from the previous century were carried over and reinforced in the new century. As Mexican numbers grew, so too did a Jim Crow-like system of segregation. By the mid-1900s, for example, the great majority of Mexican American children attended segregated public schools or were isolated in "Mexican-only" classrooms separate from their Anglo peers (Gonzalez, 1990; Menchaca, 1995). Restaurants, movie theaters, public swimming pools, and other establishments routinely restricted use of facilities to Mexican Americans, especially those clearly on the darker side of the color line (Penrod, 1948; Camarillo, 1984). Residential segregation was common place by the 1930s as most cities and towns where Mexican Americans resided in substantial numbers employed racially restrictive real estate covenants which forbade the sale or rental of property to particular minority groups. Indeed, in a statewide questionnaire sent to real estate agents up and down California, the great majority reported that restricted housing was the norm and that segregation of Mexicans, blacks, and Asians was the rule. For example, the president of the realty board in the City of Compton indicated in the survey in 1927 that "All subdivisions in Compton since 1921 have restrictions against any but the white race." He added that "We have only a few Mexicans and Japanese in the old part of the city." When asked how the problem of racial minorities could be best handled, he replied: "Advocate and push improvements and the Mexicans will move... Sell the undesirables' property to a desirable" and "never sell to an undesirable." In another example, the secretary of the Whittier Realty Board reported that "Race segregation is not a serious problem with us... Our realtors do not sell to Mexicans and Japanese outside certain sections where it is agreed by community custom they shall reside." (Survey of Race Relations, 1927). Yet another

example of the segregation of Mexican Americans and Mexican immigrants unfolded in San Diego in the early 1900s. Although a small community of Spanish-speaking people continued to live in Old Town during the early twentieth century, a much larger number of Mexican immigrants settled in an area of “new” San Diego, just southeast of downtown. Real estate covenants which forbade minorities from living in most areas of the city, in addition to affordable housing units left behind by whites who moved to the expanding suburbs, ushered in a large migration of Mexican immigrants after World War I. Mexican immigrants became a major source of labor in the fish canneries, nearby factories, and other businesses that formed an important part of San Diego’s growing economy. Logan Heights, once the home to white families, rapidly became known as “Barrio Logan” to Mexican Americans who were estimated at about 20,000 in the late 1920s (Camarillo, 1979). By the Great Depression, Barrio Logan contained the second largest Mexican-origin population in the state. Here, according to an historian, a segregated style of life for Mexican Americans unfolded:

The substandard conditions of the San Diego Mexican community, as reflected by their occupational status, living environment, and health problems, were magnified by their segregation. Separate schools, churches, and businesses existed for the Mexican community. (Shelton, 1975: 71)

9) The practice of realtors restricting Mexican Americans from entering white neighborhoods resulted in an overtly segregated residential pattern that forced Mexican Americans into particular areas of cities and towns. The use of the ubiquitous real estate covenant was thoroughly effective in establishing and maintaining residential boundaries between whites and non-whites during the first half of the 1900s. For example, it was reported to the Los Angeles County Board of Supervisors in 1946 that the percentage of municipalities with

restricted housing covenants excluding Mexican Americans, blacks, and Asians increased from an estimated twenty percent in the 1920 to eighty percent by the mid-1940s (John Anson Ford Collection). Despite the decision of the U.S. Supreme Court in *Shelley v. Kramer*, which ruled that restrictive real estate clauses were not legally binding, the informal practices among realtors continued well into the 1960s. The problem of residential segregation and discriminatory practices among realtors attracted the attention of the U.S. Commission on Civil Rights when it issued a report in 1966 (Ernesto Galarza Collection):

The Commission investigators also heard charges that real estate brokers refused to sell houses to Mexican-Americans in areas where members of that group had not traditionally lived. Such charges were made by Mexican-American residents of Los Angeles. . . . In 1955, a Los Angeles real estate board expelled two members for selling homes to persons referred to as a "clear detriment to property values." One of the purchasers was a Mexican-American family.

The consequences of decades of discriminatory residential segregation against Mexican American profoundly impacted where Mexican Americans could and could not live in Los Angeles-area cities. A study that analyzed data from the 1960 U.S. Census revealed that Los Angeles' Mexican Americans had the third highest index of residential dissimilarity, or segregation, from Anglos among the thirty five largest cities in the Southwest (Grebler, et al., 1970). Regardless of fair housing laws passed by the federal and state government in the 1960s, the imprint of past discriminatory real estate practices is still clearly visible today in areas of Los Angeles County that continue to have large concentrations of Spanish-surnamed residents.

10) Discriminatory practices against Mexican Americans in the housing markets of Los Angeles in the decades after World War I were obviously reactions to the growing numbers of Mexican immigrants and their children in the region. By 1930, for example, Mexican-origin people in the City of Los Angeles numbered well over 100,000 while their total population

surpassed 368,000 in the state (Camarillo, 1984). As their population increased so too did various practices that excluded them from public places. During the 1930s and 1940s, for example, it was not uncommon to see signs posted at swimming pools, barber shops, and theaters that indicated “No Negroes or Mexicans Allowed” or “White Trade Only.” Other establishments, such as restaurants and public parks, did not have to post signs for Mexicans to know that “customary” exclusion kept Mexican Americans away. Throughout the 1940s, 1950s, and into the 1960s, various reports by individuals and government agencies and non-profit organizations documented the social discrimination directed against the group. For example, in a report submitted to a Los Angeles grand jury investigation in 1942 regarding the status of Mexican American youth, the problem of discrimination was identified (Report of Special Committee on Problems of Mexican Youth of the 1942 Grand Jury of Los Angeles):

Discrimination and segregation as evidenced by public signs and rules, such as appear in certain restaurants, public swimming plunges, public parks, theatres and even schools, causes resentment among the Mexican people. There are certain parks in this state in which a Mexican may not appear, or else only on a certain day of the week, and it is made evident by signs reading to the effect – for instance, “Tuesdays reserved for Negroes and Mexicans.”

Discriminatory treatment of this type was documented by Mexican American community-based organizations, by various writers, and by the U.S. Commission on Civil Rights in 1970 (Penrod, 1948; McWilliams, 1948; Report of the U.S. Commission on Civil Rights, 1970). Although laws were passed by Congress in the 1960s and 1970s that made illegal past discriminatory practices that had long excluded and segregated Mexican Americans and other racial minorities from public accommodations, legacies of exclusion continued into the current period.

11) Mexican American residents in cities also suffered from the discriminatory treatment that resulted from zoning policies and institutional neglect on the part of city hall. San Diego is a case in point. Barrio Logan continued to house the great majority of Mexican Americans in San Diego well into the second half of the twentieth century. As a result of World War II and the significant expansion of industry in the post-war decades, Barrio Logan residents were increasingly pushed out to make way for junk yards, scrap metal processing centers, and other industrial development. The city's re-zoning of the area from residential to mixed use (i.e., industrial use) had a huge impact on the lives of thousands of Mexican American residents. Hundreds more in the community were dislocated as their homes were bulldozed to make way for the interstate freeway and bridge-building projects. Commercial establishments upon which residents depended for many decades were also destroyed. By the early 1970s, frustrated by decades of physical dislocation, environmental degradation, and political powerlessness in halting the destruction of their community, Barrio Logan residents banded together to salvage a parcel of land under the Coronado Bridge they named "Chicano Park." The successful battle they waged for the establishment and expansion of Chicano Park during the 1970s and 1980s symbolized the aspirations of Barrio Logan residents to gain some semblance of control over their own lives as residents of an area of San Diego long ignored by City Hall and most residents of the city (Chicano Park, 1988; *San Diego Business Journal*, 12/7/92). Today, Barrio Logan residents continue to advocate for the cleaning up of environmental hazards that contaminate their neighborhoods as they struggle to rebuild the heart of San Diego's largest and oldest Mexican American community (*San Diego Business Journal*, 11/3/97 and 9/10/01).

12) Nowhere in the state were the effects of discrimination felt by Mexican Americans more severely in the twentieth century than in Los Angeles city and county. The history of pervasive social discrimination in Los Angeles in the areas of education, housing, and access to public accommodations all affected the ability of Mexican Americans to participate in the political process. In addition, policies and practices limiting or restricting Mexican Americans from exercising their right to vote and electing candidates of choice greatly hindered the inclusion of the state's largest ethnic group into the body politic.

13) Practices that were meant to exclude Mexican Americans and other minorities from participation in mainstream society had analogs in the political arena. By the 1930s and 1940s, when tens of thousands of the children of Mexican immigrants came of age, they realized that their rights as citizens, including their right to vote and elect candidates of choice, were hindered by various discriminatory policies and practices. . The lack of any elected and appointed political representatives from the large Mexican American community in Los Angeles in the 1940s prompted the chairman of the county's Coordinating Council for Latin American Youth to write Governor Earl Warren. "May we call your attention to the fact," the chairman of the Council, Manuel Ruiz, respectfully stated, "that although there are close to 300,000 Spanish speaking voters in Los Angeles County that there has never been appointed to the bench, or to any other important position, a person of Mexican or Spanish extraction whose status at the same time has been one of leadership among these people" (Manuel Ruiz Collection). The first Mexican American to win a city council seat in Los Angeles in the twentieth century was Edward Roybal, but after he was elected to Congress in 1960, it was not until the mid-1980s that another Mexican American joined the ranks of this political body. The Los Angeles County Board of Supervisors,

arguably the most powerful political entity in the region, did not seat a Mexican American until after the Ninth Circuit Court of Appeals affirmed a district court finding that the county supervisors had intentionally acted to fragment the Hispanic vote, a direct violation of the Voting Rights Act. Vote dilution, gerrymandering, and voter intimidation over many decades in Los Angeles were among the primary factors explaining why Mexican Americans remained outside the political arena through most of the twentieth century.

14) The problem of political gerrymandering and fragmentation of Mexican American voters, exacerbated by voting irregularities and other discriminatory practices, continued to perplex leaders and supporters of Los Angeles' largest minority group into the 1970s and after. In 1966-67, for example, the California Advisory Committee to the U.S. Commissions on Civil Rights concluded in its report a discussion of some of the problems that explained why Mexican Americans in Los Angeles remained largely politically unrepresented (Ernesto Galarza Collection):

East Los Angeles, the nation's largest Mexican-American community, has been effectively sliced up so that it would be difficult for a Mexican-American candidate to win a city, state, or federal election as a representative of the district. As an example, East Los Angeles is divided into six different State Assembly districts, none with more than 25% Mexican-American population. Elections for seats on the Los Angeles City board of education are districtwide, making it nearly impossible for a Mexican-American candidate to win. There is no Mexican-American in the California State Assembly or Senate. Edward Roybal is the lone Mexican-American from California in the U.S. House of Representatives.

In 1968, the Southwest Council of La Raza, an advocacy organization for Mexican Americans, reinforced this conclusion drawn by the California Advisory Committee. The Council stated that "Due to political gerrymandering, Mexican Americans in East Los Angeles have no expressions or resolutions of their problems" and that "The political disenfranchisement of Mexican

American...continues to be the root cause of the inability of the community to promote their own causes and get redress of their grievances” (Southwest Council of La Raza, Galarza Collection).

In a report released in 1971 by the California Advisory Committee to the U.S. Commission on Civil Rights, members again pointed to a history of racism and exclusion in explaining the relative omission of Mexican American elected officials in local and state government (*Political Participation of Mexican Americans in California*).

15) In addition to the problems brought about by gerrymandered political districts in which thousands of Mexican Americans resided, the group was also hindered in its political aspirations by various voting irregularities and illegal practices. For example, during the 1950s and 1960s, there were hundreds of claims made by Mexican American voters in Los Angeles that they had experienced intimidation at the polls from voting site registrars; some were harassed over English language literacy issues; and others received telephone calls indicating they could not vote unless they brought their registration stubs with them to the polls (American G.I. Forum, Citizens’ Committee for Fair Elections, 1958; Los Angeles *Herald Examiner* 10-29-64; Los Angeles *Times*, 11-2-64)

16) The Hispanic-origin population continues to grow in unprecedented fashion. In 1980, for example, Hispanics in California numbered about 4.5 million and constituted slightly less than twenty (20) percent of the state’s total population. Twenty years later, as Census 2000 figures revealed, the percentage of Hispanics as part of California’s total population rose to nearly thirty-three (33) percent; they now number about eleven million. Over 4.2 million Hispanics live in Los Angeles County alone, according to the Census Bureau, and they comprise forty seven (47) percent of the total population in the City of Los Angeles (Census 2000 Brief:

The Hispanic Population, May 2001). In the San Fernando Valley area of Los Angeles County, Hispanics constitute eighty-nine (89) percent of the population in the valley's oldest municipality, the City of San Fernando. Elsewhere in southern California, for example, Hispanics in San Diego County now account for twenty seven (27) percent of the total population and form twenty five (25) percent of the one and quarter million persons in the City of San Diego (U.S. Census 2000).

17) Hispanics are also a group that continues to exhibit indices of extreme social disadvantage. In a recent report published by the Public Policy Institute of California, entitled *A Portrait of Race and Ethnicity in California*, one can scan every major measurement of well being and quickly come to the conclusion that Hispanics as a group occupy the bottom rungs of the socioeconomic ladder. They are among the least educated and among the most likely not to complete high school (in 1997, for example, Hispanics had a high school completion rate of only fifty-five percent in comparison to whites, Asians, and African Americans whose rates were above ninety percent). These educational disparities persist to date and appear in scoring data from the state's STAR test. In 2001, in San Diego County, the mean scaled score for white test takers was higher than the mean scaled score for Latinos in every subject (4-5 subjects tested per grade level) at every grade level (grades 2-11). More telling, without exception (out of 43 combinations of grade and subject matter), the percentage of white test takers in San Diego County scoring above the 50th national percentile rank was at least 29 points higher than the equivalent percentage of Latino test takers. In 2001, in Los Angeles County, the mean scaled score for white test takers was, as in San Diego County, higher than the mean scaled score for Latinos in every subject at every grade level. And, without exception (out of 43 combinations of

grade and subject matter), the percentage of white test takers in Los Angeles County scoring above the 50th national percentile rank was at least 25 points higher than the equivalent percentage of Latino test takers. Hispanics have the lowest levels of median family income despite some of the highest labor market participation rates of any group (by 1998, Hispanic and African American family median income was only fifty-one and sixty percent, respectively, of family income for non-Hispanic whites in California). The poverty rate for Hispanics in 1995 was the highest of any group in the state at about twenty eight percent (by contrast, the rate for non-Hispanic whites was ten percent). They suffer from inadequate health care service and lack of health insurance coverage. They are, in short, a group that will become the majority population in the state within the next generation and a group that must be prepared to more fully access opportunities in education, employment, health care, and other areas of California society in order to improve its status over time. Current indices of social and economic disadvantage among Hispanics reflects a legacy of discrimination and exclusion many generations old. The laws enacted in the 1960s and 1970s to protect the rights and increase opportunities for Hispanics and other racial minorities have helped a great deal, but they have not leveled the playing field completely as the nation's largest minority groups continue to carry the weight of history on their backs.

18) Many old problems of economic and income equality and educational failure persist and are taking a heavy toll on large sectors of the Hispanic population in California. And despite political gains and a growing electoral influence in local and state-wide elections, Hispanic voters still face issues that hinder their maximum participation in the political process. In the 1990s, intimidation of Hispanic voters, a problem many decades old, took new twists. For

example, in 1996 Governor Pete Wilson, alarmed when it was reported that a few Mexican immigrants, who it turned out had past criminal records, were granted naturalized status as U.S. citizens, grossly exaggerated the problem and set off reactions in certain quarters that led to a proposed campaign to thwart "illegal" Hispanic voters when they went to the polls. An article in *Los Angeles Times* noted that "Wilson slurred many law-abiding new citizens by suggesting that perhaps thousands of criminals were naturalized" (*Times*, 10-22-96). The Los Angeles district director of the Immigration and Naturalization Service quickly denied Wilson's reckless allegations. Wilson's comments were reminiscent of a similar type of voter intimidation initiative that had been launched in Orange County in 1988 as unofficial guards patrolled voting sites with signs in English and Spanish warning non-citizens against voting (*Los Angeles Times*, 10-22-96 and 10-30-96; letter to U.S. Attorney General Janet Reno, 10-31-96, from leaders of several civil rights organizations). Adding fuel to apprehensions among Hispanics about what was perceived by many to be a growing anti-Hispanic climate in California, Propositions 187 and 209 contributed greatly to these fears. The proposition to restrict public services and education to illegal immigrants and their children won easily with a large majority vote in 1994. Though Proposition 187 was eventually ruled unconstitutional in a federal court, it served notice to hundreds of thousands of Hispanics that California was a state that did not value a large percentage of its Hispanic community. Proposition 209, an anti-affirmative initiative launched a few years later, provided another negative message that was not lost on Hispanic voters (*San Francisco Chronicle*, 11-28-96; *Los Angeles Times*, 10-29-98). Both of these propositions revealed how polarized issues resulted in an increasingly polarized electorate with Hispanics strongly against these propositions while Anglos were strongly in support (*Los Angeles Times*,

California Exit Poll, 11-8-94). Proposition 227 in 1998, an anti-bilingual education initiative, exacerbated the problem further. 63% of Hispanics voted against Proposition 227 while 67% of Anglos voted in support (*Los Angeles Times*, California Exit Poll, 6-2-98). These types of political campaigns, together with decades of discrimination against Hispanics, contributed to the development of a negative racial climate in California during the 1990s.

19) The consequences of the various propositions discussed above on the development of a negative racial political climate manifested itself in many cities and regions throughout California. The San Fernando Valley is a case in point. The annexation of much of the valley by the City of Los Angeles in 1915 set in motion patterns of residential development that also shaped the greater Los Angeles region. Early on in the development of the valley, minorities were largely restricted to two areas in the northeast, Pacoima and San Fernando. Mexican Americans began to settle in both locations in the pre-World War II decades and their communities greatly expanded in the post-war years. During and after the war, blacks were also attracted to these areas, the only neighborhoods in the valley where they were allowed to live in new housing tracts (*Times*, 8/28/2002) Over time, more and more Hispanics settled in the area and they now form the large majority of residents in this northeast section of the valley. Several ballot measures in the 1990s revealed the rifts between the Hispanics and their white counterparts in the valley. For example, Proposition 187, the "Save Our State" campaign, received a great boost from the valley when a group of local citizens organized to form "Voice of Citizens Together." Alarmed by what they believed was a growing crisis of illegal immigration, they played a key role in spearheading a movement that resulted in the passage of Proposition 187 in 1994. Exit polls conducted during the November 1994 elections revealed that valley residents felt

more strongly than most Californians that immigration was the primary issue that brought them to the polls (*Times*, 11/10/94, Valley Edition). This reaction against immigrants, which many Hispanics in the valley saw as an attack against all Hispanics, created a reaction that stirred the emotions. For example, angered by the growing public sentiment against Hispanic immigrants, over 2,000 Latino students at fourteen local valley schools walked out of their classes in a pre-election sign of protest against the measure. They were part of a group of 10,000 students who also participated in the peaceful protest throughout the Los Angeles metropolitan region (11/3/94, Valley Edition). Two years later, Proposition 209 also divided valley residents largely along racial lines. Valley residents approved the measure with a far higher percentage fifty-three (53) percent in comparison to other Los Angeles city and county voters (39% and 47% respectively supported the measure). Hispanic and African American voters in the Pacoima area, by contrast, voted the measure down by a two-to-one margin. (*Times*, 11/9/96, Valley Edition). Therefore, it was not surprising, given the climate of distrust and growing racial polarization among many residents in the valley over incendiary propositions, that a campaign that pitted a Latino candidate against a white candidate of Jewish background for the Democratic candidacy for the 20th Senate District ended up a contest that raised inter-ethnic tensions. According to a political commentator who observed the acerbic political contest, "Charges of 'race baiting' and 'racially offensive' tactics flew back and forth between the candidates and their campaigns" (*California Journal*, 9/1/98). This particular political campaign demonstrated how racial politics was affected by the climate of opinion during the 1990s in California inflamed by several key propositions which at heart involved racial issues. It is not surprising, therefore, to note that it

was not until the 1990s that the first Hispanic was elected to office despite the fact that a very large Latino population had long existed in the San Fernando Valley.

20) Another problem that persists into the twenty first century is the gap that currently exists between Hispanics and all other groups with regard to the percentage of eligible population who register to vote and who actually cast their votes on election day. For example, in 1996 Hispanics had the lowest percentage of eligible population that registered to vote (68%) and eligible population that voted (54%). By contrast, eighty-one (81) percent of the white population and seventy-seven (77) of the African American eligible population registered to vote and sixty-eight (68) percent and sixty-four (64) percent respectively of the eligible population voted in 1996 (*A Portrait of Race and Ethnicity in California*, 2001).

| | <u>California 1996</u> | | |
|----------------------------------|------------------------|--------|-------------------|
| | Hispanics | Whites | African-Americans |
| % of eligible registered to vote | 68% | 81% | 77% |
| % of eligible that voted | 54% | 68% | 64% |

If Hispanics are to be incorporated into the fabric of American society as they emerge as the majority population in the state of California over the next twenty or thirty years, their full integration as participants in the political process will be critical to the preservation of our participatory democracy. The case under consideration --involving the recently approved redistricting plan in California that diminishes Hispanics' opportunity to elect candidates of choice in congressional and senatorial districts in Los Angeles County to achieve more electoral strength in a district in San Diego County --points to the fact that Hispanics have not yet overcome obstacles that prevent them from exercising their full potential as voters. This problem is particularly important as the voting age population of Hispanics continues to soar in California. It is also especially important for Hispanics to have equal opportunity to elect candidates of choice as recent research indicates that the effects of minority-majority districts and minority representation and political participation are intimately tied to one another. Voter participation among Latinos is particularly high in districts where they enjoy both majority status as well as descriptive representation (i.e., representation by legislators of the same race or ethnicity). (Gay, 2001:vii) Given the dramatic growth of the voting age and registered voters among Hispanics, political districts must be drawn or redrawn with these important

considerations in mind. Redistricting plans that maximize Hispanic voter influence will be one of the keys for narrowing the electoral participation rate for Hispanics.

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